

REMARKS

This response is filed in response to the non-final Office action dated March 30, 2004. All objections and rejections are respectfully traversed. Reconsideration of the application, as amended, is respectfully requested.

Claims 30-59 are pending.

The Applicants have amended claims 30, 36, 38-39 and 42-44 to better claim the invention.

The Applicants have added new claims 45-59 which comprise the same or similar patentable subject matter as allowed claims 27-29 and 32-33 in Applicants' parent application 09/001,478, filed December 31, 1997, which issued on October 8, 2002 as U.S. Patent No. 6,463,068. No new matter is being introduced.

The specification has been amended to include a reference to the Applicants' parent application, U.S. Patent Application Serial No. 09/001,478 which, as noted above, issued on October 8, 2002 as U.S. Patent No. 6,463,068.

At paragraph 1 in the Office action, the Applicants' declaration was found to be defective because the serial number and filing date of the specification were determined to be incorrect on page 1 of the declaration.

Because the instant application was filed as a continuation patent application under 35 U.S.C. §120, the Applicants submitted a copy of their declaration as originally filed in the parent application 09/001,478, now U.S. Patent No. 6,463,068. See MPEP 602.05(a). Moreover, the

Applicants' "Utility Patent Application Transmittal" form filed on July 14, 2000 (a copy of which is included as an Appendix herewith) also indicates that a copy of the parent application's declaration was submitted in compliance with 37 C.F.R. §1.63(d).

Accordingly, the Applicants respectfully submit that the serial number and filing date on page 1 of the Applicants' declaration corresponds to the Applicants' parent application and does not refer to their present application as alleged in the Office action.

However, it is noted that although the parent application's filing date of December 31, 1997 is properly noted on page 1 of the declaration, it appears that a typographical error occurred in specifying the parent application's serial number. Namely, the declaration incorrectly references U.S. Serial No. 09/**900**,478 instead of correctly referencing the parent application's U.S. Serial No. 09/**001**,478.

To correct this error, a Supplemental Application Data Sheet is being submitted herewith as set forth in 37 C.F.R. §1.76(c):

(c) *Supplemental application data sheets* Supplemental application data sheets:

- (1) May be subsequently supplied prior to payment of the issue fee either *to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67*, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67; and
- (2) Should identify the information that is being changed (added, deleted, or modified) and therefore need not contain all the previously submitted information that has not changed.

(Emphasis added)

In light of the foregoing, the Applicants respectfully submit that the objection to the serial number and filing date on page 1 of the Applicants' declaration should be removed.

At paragraphs 2-3 in the Office action, the abstract of the disclosure was objected to because it contains more than 150 words. In response, the Applicants have amended their abstract so it now contains fewer than 150 words.

At paragraph 4 in the Office action, claim 30 was objected to because line 12 of the claim recited "the buffer" rather than "the buffer subsystem." Claim 30 has been amended to recite "the buffer subsystem," as suggested, thereby obviating the claim objection.

At paragraph 5 in the Office action, the claims 36 and 44 were rejected under 35 U.S.C. §112, second paragraph, because the claims recited "the respective 2" classes of service" without a proper antecedent basis.

The Applicants have amended the dependent claims 36 and 44 to recite "the respective X classes of service" whose antecedent is found in their respective independent claims 30 and 37. Thus, the Applicants respectfully submit that the 35 U.S.C. 112, second paragraph rejections should be removed.

At paragraphs 6-7 in the Office action, the claims 30-44 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 9-16 in U.S. Patent No. 6,463,068.

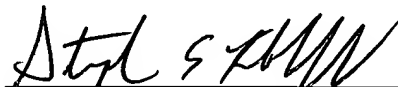
A Terminal Disclaimer is filed herewith in compliance with 37 C.F.R. 1.321(c) to overcome the pending double patenting rejections.

A Request to Correct Filing Receipt and a Petition under Rule 37 C.F.R. 1.182 are also being filed herewith so the Applicants' priority claim to their parent application 09/001,478, now U.S. Patent No. 6,463,068, may be properly recorded.

The Applicants submit that all pending claims are believed to be in condition for allowance and early favorable action is respectfully requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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APPENDIX

Please type a plus sign (+) inside this box ☒

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))</small>	Attorney Docket No.	112025-00
	First Inventor or Application Identifier	Arthur Lin et al.
	Title	ROUTER WITH CLASS OF SERVICE MAPPING
	Express Mail Label No.	EL056746535US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility application contents		ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> *Fee Transmittal Form (e.g., PTO/SB/17) <small>(Submit an original and a duplicate for fee processing)</small> 2. <input checked="" type="checkbox"/> Specification [Total Pages 17] <small>(preferred arrangement set forth below)</small> <ul style="list-style-type: none"> - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 3. <input checked="" type="checkbox"/> Drawing(s) [Total Sheets 5] 4. Oath or Declaration [Total Pages] a. <input type="checkbox"/> Newly executed (original copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) <small>(for continuation/divisional with Box 17 completed)</small> <small>[Note Box 5 below]</small> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b). I. <input type="checkbox"/> 5. <input type="checkbox"/> Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference therein		6. <input type="checkbox"/> Microfiche Computer Program (Appendix) 7. Nucleotide and/or Amino Acid Sequence Sequence Submission <small>((if applicable, all necessary))</small> <ul style="list-style-type: none"> a. <input type="checkbox"/> Computer Readable Copy b. <input type="checkbox"/> Paper Copy (Identical to computer copy) c. <input type="checkbox"/> Statement verifying identity of above copies ACCOMPANYING APPLICATION PARTS <ul style="list-style-type: none"> 8. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 37 C.F.R. § 3.73(b) 9. <input type="checkbox"/> Statement (when there is <input type="checkbox"/> Power of Attorney an assignee) 10. <input type="checkbox"/> English Translation Document (if applicable) 11. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 12. <input type="checkbox"/> Preliminary Amendment 13. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) *Small Entity 14. <input type="checkbox"/> Statement(s) <input type="checkbox"/> Statement filed in prior application, Status still proper and desired ((PTO/SB/09-12)) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Other:

NOTE FOR ITEMS 12 & 14 IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27). EXCEPT ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.23).

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment:
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/900,478
 Prior application Information: Examiner Group/Art Unit:

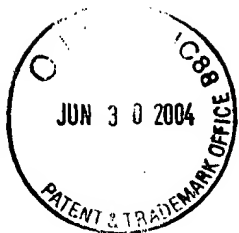
18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label ☒ Correspondence address below
(Insert Customer No. or Attach bar code label here)

Name	Patricia A. Sheehan				
Address	Cesari and McKenna 30 Rowes Wharf				
City	Boston	State	MA	Zip Code	02110
Country	U. S. A.	Telephone	(617) 951-2500	Fax	(617) 951-3927

Name (Print/Type)	Patricia A. Sheehan	Registration No. (Attorney/Agent)	32,301
Signature	<i>Patricia A. Sheehan</i>	Date	July 14, 2000

COPY



Practitioner's Docket No. 112025-0067C1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re prior application of:

Application No.: **09/616,842** Group No.: **2665**
Filed: **July 14, 2000** Examiner: **Nguyen, Toan D.**
For: **Router With Class of Service Mapping**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SUPPLEMENTAL APPLICATION DATA SHEET
37 C.F.R. § 1.76(c)

NOTE: "Supplemental application data sheets. Supplemental application data sheets:

(1) May be subsequently supplied prior to payment of the issue fee either to correct or update information in a previously submitted application data sheet, or an oath or declaration under § 1.63 or § 1.67, except that inventorship changes are governed by § 1.48, correspondence changes are governed by § 1.33(a), and citizenship changes are governed by § 1.63 or § 1.67; and

(2) Should identify the information that is being changed (added, deleted, or modified) and therefore need not contain all the previously submitted information that has not changed." 37 C.F.R. § 1.76(c).

The following information on the Application Data Sheet is changed as indicated:

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Addressee"

Mailing Label No. EV.335591139US (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Maryann Cappuccio
Signature

Date: 06/30/04

Maryann Cappuccio
(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

BIBLIOGRAPHIC DATA

1. ☐ Applicant information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(1): "(1) Applicant information. This information includes the name, residence, mailing address, and citizenship of each applicant (§ 1.41(b)). The name of each applicant must include the family name, and at least one given name without abbreviation together with any other given name or initial. If the applicant is not an inventor, this information also includes the applicant's authority (§§ 1.42, 1.43, and 1.47) to apply for the patent on behalf of the inventor."

WARNING: Inventorship changes are governed by § 1.48. 37 C.F.R. § 1.76(c)(1).

WARNING: Citizenship changes are governed by § 1.63 or § 1.67. 37 C.F.R. 1.76(c)(1).

First applicant:

GIVEN NAME MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)
Citizenship _____
Residence _____

Second applicant, (if any)

GIVEN NAME MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)
Citizenship _____
Residence _____

Third applicant, (if any)

GIVEN NAME MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)
Citizenship _____
Residence _____

Fourth applicant, if any

GIVEN NAME MIDDLE INITIAL OR NAME FAMILY (OR LAST NAME)
Citizenship _____
Residence _____

Fifth applicant, (if any)

GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
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Citizenship _____

Residence _____

Sixth applicant, (if any)

GIVEN NAME	MIDDLE INITIAL OR NAME	FAMILY (OR LAST NAME)
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Citizenship _____

Residence _____

- ☐ Applicant is not the inventor and applicant's authority (§§ 1.42, 1.43 and 1.47) to apply for the patent on behalf of the inventor is as follows:

2. Correspondence information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(2): "(2) Correspondence information. This information includes the correspondence address, which may be indicated by reference to a customer number, to which correspondence is to be directed (see § 1.33(a))."

WARNING: Correspondence changes are governed by § 1.33(a)

Correspondence for this application should be addressed as follows:

Name: _____

Address: _____

☐ Customer No.: _____

3. Application information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(3): "Application information. This information includes the title of the invention, a suggested classification, by class and subclass, the Technology Center to which the subject matter of the invention is assigned, the total number of drawing sheets, a suggested drawing figure for publication (in a nonprovisional application), any docket number assigned to the application, the type of application (e.g., utility, plant, design, reissue, provisional), whether the application discloses any significant part of the subject matter of an application under a secrecy order pursuant to § 5.2 of this chapter (see § 5.2(c)), and, for plant applications, the Latin name of the genus and species of the plant claimed, as well as the variety denomination. The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure."

Title of Invention:

Docket number assigned to this application:

Suggested Classification: Class:

Subclass:

Technology Center to which subject matter is assigned:

NOTE: "The suggested classification and Technology Center information should be supplied for provisional applications whether or not claims are present. If claims are not present in a provisional application, the suggested classification and Technology Center should be based upon the disclosure." 37 C.F.R. § 1.76(b)(3).

Total number of drawing sheets:

Type of application:

☐ utility

☐ application is to be published

Suggested drawing figure for publication: _____

☐ application is not to be published

☐ plant

☐ Latin names of the genus _____

species _____

of plant being claimed.

☐ design

☐ reissue

☐ provisional

Secrecy order under § 5.2:

This application

☐ does not disclose

☐ discloses a significant part of the

subject matter of an application which is under a secrecy order pursuant to § 5.2.

4. Representative information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b)(4) states: "Representative information. This information includes the registration number of each practitioner having a power of attorney or authorization of agent in the application (preferably by reference to a customer number). Providing this information in the application data sheet does not constitute a power of attorney or authorization of agent in the application (see § 1.34(b))." (Emphasis added).

The following have a power of attorney or authorization of agent in this application:

Name of attorney (agent): _____

Address: _____

Customer No.: _____

5. Domestic Priority information is being ☐ added ☐ deleted ☒ modified:

NOTE: "Domestic priority information. This information includes the application number, the filing date, the status (including patent number if available), and relationship of each application for which a benefit is claimed under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and § 1.78(a)(2) or § 1.78(a)(4), and need not otherwise be made part of the specification." 37 C.F.R. § 1.76(b)(5).

☒ Domestic priority for this application is claimed as follows:

☐ 35 U.S.C. § 119(e): Application No.: _____

Filed: _____

Status: _____

Relationship: _____

☒ 35 U.S.C. § 120: Application No.: 09/001,478

Filed: December 31, 1997

Status: Issued as U.S. Patent No. 6,463,068

Relationship: Parent Application

☐ 35 U.S.C. § 121: Application No.: _____

Filed: _____

Status: _____

Relationship: _____

☐ 35 U.S.C. § 365(c): Application No.: _____

Filed: _____

Status: _____

Relationship: _____

6. Foreign priority information is being ☐ added ☐ deleted ☐ modified:

NOTE: "Foreign priority information. This information includes the application number, country, and filing date of each foreign application for which priority is claimed, as well as any foreign application having a filing date before that of the application for which priority is claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and § 1.55(a)." 37 C.F.R. § 1.76(b)(6).

☐ Foreign priority is claimed for this application as follows:

Country: _____

Application No.: _____

Filing date: _____

Status: _____

Foreign application having a filing date before that of the above application for which priority is claimed.

☐ None

☐ Country: _____

Application No.: _____

Filing date: _____

Status: _____

7. Assignee information is being ☐ added ☐ deleted ☐ modified:

NOTE: 37 C.F.R. § 1.76(b) "Assignee information. This information includes the name (either person or juristic entity) and address of the assignee of the entire right, title, and interest in an application. Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of this chapter to have an assignment recorded by the Office."

NOTE: 37 C.F.R. § 1.215(b): "(b) If applicant wants the patent application publication to include assignee information, the applicant must include the assignee information on the application transmittal sheet or the application data sheet (§ 1.76). Assignee information may not be included on the patent application publication unless this information is provided on the application transmittal sheet or application data sheet included with the application on filing. Providing this information on the application transmittal sheet or the application data sheet does not substitute for compliance with any requirement of part 3 of this chapter to have an assignment recorded by the Office."

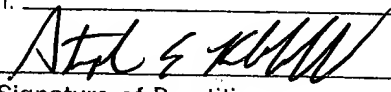
The assignee(s) of this application is/are:

Name of assignee: _____

Address of assignee: _____

Extent of interest of assignee in application: _____

Reg. No. **51,276**


Signature of Practitioner

Tel. No. (**617 951-2500**

Stephen E. Kabakoff
(type or print name of practitioner)

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